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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,565	06/19/2000	Colin Allmark	24124	3814

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EXAMINER
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HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/31/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application**

09/596,565

**Applicant(s)**

ALLMARK, COLIN

**Examiner**

Jinsong Hu

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-13 are presenting for examination. Claims 1, 6, 11 and 12 have been amended.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanford (US 6,536,039).

4. As per claims 1 and 5, Sanford teaches the invention as claimed including a system for updating a compact disc [col. 2, lines 7-11], the apparatus comprising:

a first computer having software stored thereon defining a server [col. 5, lines 17-19], the server having first compact disc updating means associated therewith for storing compact disc update data [col. 2, lines 34-37];

a communications network in communication with the server [col. 5, lines 15-19];

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a plurality of remote computers in communication with the server through the communications network, each of the plurality of remote computers having a processor for processing digital data [202, Fig. 2], a memory [204, Fig. 2] in communication with the processor for storing digital data, a user display [212, Fig. 2] in communication with the processor for displaying data to a user, and a compact disc drive [208, Fig. 2] positioned to receive at least one compact disc therein [col. 5, lines 7-19]; and

a compact disc positioned in the compact disc drive of at least one of the remote computers and containing original content digital data thereon [col. 5, lines 20-29], the compact disc including a seating ring interface seat associated with the compact disc, second card updating means stored on the compact disc and responsive to the first compact disc updating means for updating the original content digital data stored on compact disc with updated data created by storing only the differences between the new update and the original content digital data [col. 4, lines 42-50; col. 5, lines 38-42] in the memory of the at least one remote computer [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

5. As per claim 2, Sanford teaches that the graphical user interfacing means includes interface displaying means for displaying a graphical user interface on the user display [col. 3, lines 53-54] and user directing means for directing a user through a plurality of blocks for updating the stored digital data in the memory of the at least one

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remote computer so that the update appears to the user to be on the card [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

6. As per claim 3, Sanford teaches that the directing means includes software loading means displayed to a user for loading the second card updating means into the memory of the at least one remote computer responsive to the user [col. 4, line 62 – col. 5, line 6].

7. As per claim 4, Sanford teaches that the graphical user interfacing means further includes updating initiating means associated with the second card updating means for initiating the updating of the updated data from the first card updating means [col. 4, lines 37-42].

8. As per claims 6 and 10, Sanford teaches the invention as claimed including a system for updating a compact disc [col. 2, lines 7-11], the apparatus comprising:

a computer having software stored thereon defining a server [col. 5, lines 17-19], the server having first compact disc updating means associated therewith for storing compact disc update data [col. 2, lines 34-37];

a communications network in communication with the server [col. 5, lines 15-19];

a plurality of remote computers in communication with the server through the communications network, each of the plurality of remote computers having a

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processor for processing digital data [202, Fig. 2], a memory [204, Fig. 2] in communication with the processor for storing digital data, a user display [212, Fig. 2] in communication with the processor for displaying data to a user, and a compact disc drive [208, Fig. 2] positioned to receive at least one compact disc therein [col. 5, lines 7-19]; and

a compact disc positioned in the compact disc drive of at least one of the remote computers and containing original content digital data thereon [col. 5, lines 20-29], the compact disc including a seating ring interface seat associated with the compact disc, second card updating means stored on the compact disc and in communication with the first compact disc updating means for updating the original content digital data stored on compact disc by storing only the differences between the new update and the original content digital data [col. 4, lines 42-50; col. 5, lines 38-42] in the memory of the at least one remote computer [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

9. As per claim 7, Sanford teaches that the graphical user interfacing means includes interface displaying means for displaying a graphical user interface on the user display [col. 3, lines 53-54] and user directing means for directing a user through a plurality of blocks for updating the stored digital data in the memory of the at least one remote computer so that the update appears to the user to be on the card [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

10. As per claim 8, Sanford teaches that the directing means includes software loading means displayed to a user for loading the second card updating means into the memory of the at least one remote computer responsive to the user [col. 4, line 62 – col. 5, line 6].

11. As per claim 9, Sanford teaches that the graphical user interfacing means further includes updating initiating means associated with the second card updating means for initiating the updating of the updated data from the first card updating means [col. 4, lines 37-42].

12. As per claim 11, Sanford teaches the invention as claimed including a graphical user interface for updating a compact disc having thereon original content digital data and for enhancing update capabilities to a user of the compact disc, the graphical user interface comprising:

directing means for directing a user through a plurality of blocks for updating stored digital data in memory of at least one remote computer so that the update appears to the user to be on a compact disc, the directing means including software loading means displayed to a user for loading card updating software into the memory of the at least one remote computer responsive to the user [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8], wherein the software loading means loads new updating digital data containing only any differences between the new updated digital data and the original content digital data [col. 4, lines 42-50; col. 5, lines 38-42]; and

update initiating means associated with the card updating software for initiating the updating of the updated data from remote card updating software [col. 4, lines 37-42; col. 7, lines 5-8].

13. As per claims 12 and 13, since they are method claims of 1-4, they are rejected for the same basis as claims 1-4.

### ***Conclusion***

14. Applicant's arguments with respect to claims 1, 5-6 and 10 for reference SoftCD have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's arguments filed on 1/23/04 for claims 1-13 have been fully considered but they are not deemed to be persuasive.

16. In the remarks, applicant argued in substance that Stanford does not teach storing only differences between new updates and the original content.

17. Examiner respectfully traverses applicant's remarks:

As to the newly added limitations of claims, Examiner has explained in this office action, see corresponding paragraph for details.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).



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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

March 25, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100